

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 2:11-CR-120-RLH-(CWH)
)
 ANDREW SWAN,)
)
 Defendant.)

FINAL ORDER OF FORFEITURE

This Court found that defendant ANDREW SWAN shall pay the criminal forfeiture money judgment of \$532,335 in United States Currency, held jointly and severally liable with any codefendants, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 89; Plea Agreement, ECF No. 94; Preliminary Order of Forfeiture, ECF No. 100.

On June 10, 2013, the United States District Court for the District of Nevada sentenced ANDREW SWAN and entered the sentencing Order of Forfeiture with a criminal forfeiture money judgment of \$532,335 in United States Currency pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code, Section 853(p). Sentencing Minutes, ECF No. 137; Sentencing Order of Forfeiture, ECF No. 136.

1 On the same day, the United States District Court for the District of Nevada entered the
2 Judgment in a Criminal Case on ANDREW SWAN with the Sentencing Order of Forfeiture (ECF No.
3 136) attached. Judgment in a Criminal Case, ECF No. 138.

4 **SUBSTITUTION - \$45,000 in United States Currency**

5 On April 29, 2015, the United States filed a Motion to Substitute and to Forfeit Property of
6 Andrew Swan (Motion to Substitute) to be used towards satisfaction of Swan's criminal forfeiture money
7 judgment. Motion to Substitute, ECF No. 176. On May 18, 2015, the United States District Court for the
8 District of Nevada granted the United States' Motion to Substitute and entered the Substitution and
9 Forfeiture Order (ECF No. 177) authorizing the substitution and forfeiture of the following property
10 pursuant to Title 21, United States Code, Section 853(p):

11 Any and all United States Currency scheduled to be distributed to Andrew Swan from the Estate of
12 Marcus J. Swan, State of Illinois, Circuit Court of the Eleventh Judicial Circuit, Woodford County,
13 Illinois, Case Number 14-P-70, as held in the Trust Account of Deneen and Deneen Law Office, 202 S.
14 Eldorado Road, Bloomington, Illinois 61704.

15 On August 3, 2015, the United States Marshals Service ("USMS") seized, arrested, and took into
16 custody \$45,000 in United States Currency. Notice of Filing Service of Process, ECF No. 178.

17 On August 21, 2015, CSC Services of Nevada, Registered Agent for Residential Funding
18 Company, LLC, 2215-B Renaissance Drive, Las Vegas, Nevada 89119 was personally served with the
19 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 179.

20 On August 24, 2015, Andrew Swan, c/o Bunny Maxwell, 1216 W. Olive, Bloomington,
21 Illinois 61701 was served via regular mail and certified return receipt requested mail tracking number
22 7013 1090 0002 1197 8146 with the Substitution and Forfeiture Order and the Notice. Notice of Filing
23 Service of Process, ECF No. 181.

24 On August 24, 2015, Bunny Maxwell, 1216 W. Olive, Bloomington, Illinois 61701 was served
25 via regular mail and certified return receipt requested mail tracking number 7013 1090 0002 1197

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1 8092 with the Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process,
2 ECF No. 181.

3 On August 24, 2015, Bunny Maxwell, c/o Jack Vieley, 121 N. Main St., Ste. B-1,
4 Bloomington, Illinois 61701 was served via regular mail and certified return receipt requested mail
5 tracking number 7013 1090 0002 1197 7774 with the Substitution and Forfeiture Order and the
6 Notice. Notice of Filing Service of Process, ECF No. 181.

7 On August 24, 2015, George E. Anderson, Terminal Island Federal Correctional Institution,
8 1299 Seaside Avenue, Terminal Island, California 90731 was served via regular mail and certified
9 return receipt requested mail tracking number 7013 1090 0002 1197 8139 with the Substitution and
10 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

11 On August 24, 2015, Jennifer Joy Wirsching, LibertyBell Law Group, 245 East Olive Avenue,
12 Burbank, California 91502 was served via regular mail and certified return receipt requested mail
13 tracking number 7013 1090 0002 1197 8122 with the Substitution and Forfeiture Order and the
14 Notice. Notice of Filing Service of Process, ECF No. 181.

15 On August 24, 2015, Christina A. DiEdoardo, Law Offices of Christina A. DiEdoardo, P.C.,
16 201 Spear Street #1000, San Francisco, California 94105 was served via regular mail and certified
17 return receipt requested mail tracking number 7013 1090 0002 1197 8115 with the Substitution and
18 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

19 On August 24, 2015, William H. Gamage, Gamage & Gamage, 5580 South Fort Apache, Ste.
20 110, Las Vegas, Nevada 89148 was served via regular mail and certified return receipt requested mail
21 tracking number 7013 1090 0002 1197 8108 with the Substitution and Forfeiture Order and the
22 Notice. Notice of Filing Service of Process, ECF No. 181.

23 On August 24, 2015, Eric Smith, CFO for Deutsche Bank National Trust Company, as to 7405
24 Gran Paradiso, 60 Wall Street, New York, New York 10005 was served via regular mail and certified
25 return receipt requested mail tracking number 7013 1090 0002 1197 8085 with the Substitution and
26 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

1 On August 24, 2015, Wilmington Trust Company, Registered Agent for Deutsche Bank
2 National Trust Company, as to 7405 Gran Paradiso, 1100 North Market Street, Wilmington, Delaware
3 19890 was served via regular mail and certified return receipt requested mail tracking number 7013
4 1090 0002 1197 8078 with the Substitution and Forfeiture Order and the Notice. Notice of Filing
5 Service of Process, ECF No. 181.

6 On August 24, 2015, Corporation Trust Center, Registered Agent for Goldman Sachs
7 Mortgage Company, as to 7405 Gran Paradiso, 1209 Orange Street, Wilmington, Delaware 19801 was
8 served via regular mail and certified return receipt requested mail tracking number 7013 1090 0002
9 1197 8054 with the Substitution and Forfeiture Order and the Notice. Notice of Filing Service of
10 Process, ECF No. 181.

11 On August 24, 2015, Jamie Dimon, President and CEO for JP Morgan Chase Bank, as to 2081
12 Twin Falls, 780 Kansas Lane, S A, Monroe, Louisiana 71203 was served via regular mail and certified
13 return receipt requested mail tracking number 7013 1090 0002 1197 8047 with the Substitution and
14 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

15 On August 24, 2015, Corporation Trust Center, Registered Agent for JP Morgan Chase Bank,
16 as to 2081 Twin Falls, 1209 Orange Street, Wilmington, Delaware 19801 was served via regular mail
17 and certified return receipt requested mail tracking number 7013 1090 0002 1197 8023 with the
18 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

19 On August 24, 2015, Brian Moynihan, Chairman and CEO for Bank of America, NA, as to
20 2081 Twin Falls, 100 N. Tryon Street, Charlotte, North Carolina 28255 was served via regular mail
21 and certified return receipt requested mail tracking number 7013 1090 0002 1197 8009 with the
22 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

23 On August 24, 2015, Legal Processing Center, Bank of America, NA, as to 2081 Twin Falls,
24 100 N. Tryon Street, Charlotte, North Carolina 28255 was served via regular mail and certified return
25 receipt requested mail tracking number 7013 1090 0002 1197 7996 with the Substitution and
26 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

1 On August 24, 2015, the Corporation Trust Center, Registered Agent for Bank of America,
2 NA, as to 2081 Twin Falls, 1209 Orange Street, Wilmington, Delaware 19801 was served via regular
3 mail and certified return receipt requested mail tracking number 7015 1520 0001 4971 5442 with the
4 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

5 On August 24, 2015, Jamie Dimon, President and CEO for JP Morgan Chase Bank, as to 2183
6 Clearwater Lake, 780 Kansas Lane, S A, Monroe, Louisiana 71203 was served via regular mail and
7 certified return receipt requested mail tracking number 7013 1090 0002 1197 7941 with the
8 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

9 On August 24, 2015, Corporation Trust Center, Registered Agent for JP Morgan Chase Bank,
10 as to 2183 Clearwater Lake, 1209 Orange Street, Wilmington, Delaware 19801 was served via regular
11 mail and certified return receipt requested mail tracking number 7013 1090 0002 1197 7934 with the
12 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

13 On August 24, 2015, Richard K. Davis, President and CEO for US Bank, as to 2128 Twin
14 Falls, 60 Livingston Avenue, St. Paul, Minnesota 55107 was served via regular mail and certified
15 return receipt requested mail tracking number 7013 1090 0002 1197 7927 with the Substitution and
16 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

17 On August 24, 2015, Customer Care Unit for US Bank, as to 2128 Twin Falls, P.O. Box
18 64991, St. Paul, Minnesota 55107 was served via regular mail and certified return receipt requested
19 mail tracking number 7013 1090 0002 1197 8160 with the Substitution and Forfeiture Order and the
20 Notice. Notice of Filing Service of Process, ECF No. 181.

21 On August 24, 2015, Jamie Dimon, President and CEO for JP Morgan Chase Bank, as to 2128
22 Twin Falls, 780 Kansas Lane, S A, Monroe, Louisiana 71203 was served via regular mail and certified
23 return receipt requested mail tracking number 7015 1520 0001 4971 5510 with the Substitution and
24 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

25 On August 24, 2015, Corporation Trust Center, Registered Agent for JP Morgan Chase Bank,
26 as to 2128 Twin Falls, 1209 Orange Street, Wilmington, Delaware 19801 was served via regular mail

1 and certified return receipt requested mail tracking number 7015 1520 0001 4971 5497 with the
2 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

3 On August 24, 2015, Jamie Dimon, President and CEO for JP Morgan Chase Bank, as to 2305
4 Shorewood Hills, 780 Kansas Lane, S A, Monroe, Louisiana 71203 was served via regular mail and
5 certified return receipt requested mail tracking number 7015 1520 0001 4971 5473 with the
6 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

7 On August 24, 2015, Corporation Trust Center, Registered Agent for JP Morgan Chase Bank,
8 as to 2305 Shorewood Hills, 1209 Orange Street, Wilmington, Delaware 19801 was served via regular
9 mail and certified return receipt requested mail tracking number 7015 1520 0001 4971 5480 with the
10 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

11 On August 24, 2015, Eric Smith, CFO for Deutsche Bank National Trust Company, as to 2465
12 Atchley, 60 Wall Street, New York, New York 10005 was served via regular mail and certified return
13 receipt requested mail tracking number 7015 1520 0001 4971 5459 with the Substitution and
14 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

15 On August 24, 2015, Wilmington Trust Company, Registered Agent for Deutsche Bank
16 National Trust Company, as to 2465 Atchley, 1100 North Market Street, Wilmington, Delaware 19890
17 was served via regular mail and certified return receipt requested mail tracking number 7015 1520
18 0001 4971 5466 with the Substitution and Forfeiture Order and the Notice. Notice of Filing Service of
19 Process, ECF No. 181.

20 On August 24, 2015, Steven D. Sass, Trustee for American Home Mortgage Liquidating Trust,
21 as to 2465 Atchley, P.O. Box 10550, Melville, NY 11747 was served via regular mail and certified
22 return receipt requested mail tracking number 7015 1520 0001 4971 5435 with the Substitution and
23 Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 181.

24 On September 8, 2015, Lloyd C. Blankfein, Chairman and CEO for Goldman Sachs Mortgage
25 Company, as to 7405 Gran Paradiso, 200 West Street, New York, New York 10282 was served via
26 regular mail and certified return receipt requested mail tracking number 7015 0640 0003 6922 3501

1 with the Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF
2 No. 181.

3 Michael Mason, President for Pemm Tek Mortgage Services, LLC, as to 2147 Twin Falls,
4 8390 E. Raintree Dr., Ste. B200, Scottsdale, Arizona 85260 could not be served as Pemm Tek is no
5 longer in business. Notice of Filing Service of Process, ECF No. 181.

6 Steven J. Heslep, Managing Member for Pemm Tek Mortgage Services, LLC, as to 2147 Twin
7 Falls, 8390 E. Raintree Dr., Ste. B200, Scottsdale, Arizona 85260 could not be served as Pemm Tek is
8 no longer in business. Notice of Filing Service of Process, ECF No. 181.

9 Michael Mason, President for Pemm Tek Mortgage Services, LLC, as to 2370 Sandstone Cliffs
10 8390 E. Raintree Dr., Ste. B200, Scottsdale, Arizona 85260 could not be served as Pemm Tek is no
11 longer in business. Notice of Filing Service of Process, ECF No. 181.

12 Steven J. Heslep, Managing Member for Pemm Tek Mortgage Services, LLC, as to 2370
13 Sandstone Cliffs, 8390 E. Raintree Dr., Ste. B200, Scottsdale, Arizona 85260 could not be served as
14 Pemm Tek is no longer in business. Notice of Filing Service of Process, ECF No. 181.

15 This Court finds the United States of America published the notice of forfeiture in accordance
16 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
17 from August 7, 2015, through September 5, 2015, notifying all potential third parties of their right to
18 petition the Court. Notice of Filing Proof of Publication, ECF No. 180.

19 **SUBSTITUTION - \$4,377.78 in United States Currency**

20 On September 22, 2015, the Federal Bureau of Investigation seized, arrested, and took into
21 custody the final distribution for Andrew Swan from the Estate of Marcus J. Swan in the amount of
22 \$4,377.78 in United States Currency. Notice of Filing Service of Process regarding \$4,377.78 in United
23 States Currency - Take Into Custody, ECF No. 182.

24 On September 28, 2015, service of process of the Substitution and Forfeiture Order and the
25 Notice was reaccomplished to all of the individuals and entities previously served on August 24, 2015,

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1 and September 8, 2015 (ECF No. 181), via regular mail and certified return receipt requested mail.
2 Notice of Filing Service of Process - Mail, ECF No. 183.

3 On October 16, 2015, CSC Services of Nevada, Registered Agent for Residential Funding
4 Company, LLC, 2215-B Renaissance Drive, Las Vegas, Nevada 89119 was personally served with the
5 Substitution and Forfeiture Order and the Notice. Notice of Filing Service of Process, ECF No. 184.

6 This Court finds the United States of America published the notice of forfeiture in accordance
7 with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively
8 from October 7, 2015, through November 5, 2015, notifying all potential third parties of their right to
9 petition the Court. Notice of Filing Proof of Publication, ECF No. 185.

10 This Court finds no petition was filed herein by or on behalf of any person or entity and the
11 time for filing such petitions and claims has expired.

12 This Court finds no petitions are pending with regard to the assets named herein and the time
13 for presenting such petitions has expired.

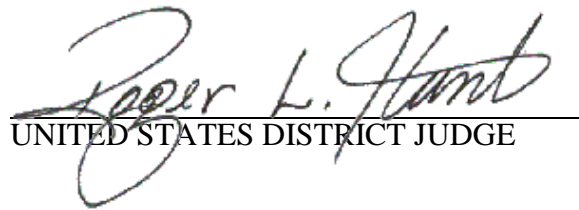
14 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
15 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
16 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
17 32.2(c)(2); Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code,
18 Section 2461(c); Title 18, United States Code, Section 982(a)(2)(A); and Title 21, United States Code,
19 Section 853(n)(7) and (p) and shall be disposed of according to law: \$45,000 in United States
20 Currency and \$4,377.78 in United States Currency which will be applied towards the criminal
21 forfeiture money judgment of \$532,335 in United States Currency.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
23 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
24 income derived as a result of the United States of America's management of any property forfeited
25 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this
2 Order to all counsel of record and three certified copies to the United States Attorney's Office, Attention
3 Daniel D. Hollingsworth, Asset Forfeiture Unit.

4 DATED this 14th day of December, 2015.

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6 
7 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on December 11, 2015.

/s/ Michelle C. Lewis
MICHELLE C. LEWIS
Paralegal Specialist